

## APPENDIX C.

By Parr.

S. B. 160.

## A BILL

To be entitled

An Act to increase the authority and duties of the Commissioners' Court of Duval County, Texas, and of the County Commissioners of said County, to require said County Commissioners to devote their entire time and attention to the affairs of said County, and to fix the salary for the members of said Commissioners' Court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in addition to the authority and duties now or hereafter conferred or imposed by the general law of this State upon the County Commissioners' Court, that the Commissioners' Court of Duval County, Texas, shall be further authorized and empowered to exercise a general supervision over the financial affairs of said County, and to issue such orders not conflicting with the general laws of the State as the Court may deem expedient and wise for the proper administration of said affairs, and shall cause all laws and regulations governing the duties and conduct of the officers and offices of the said County to be faithfully observed and executed.

Sec. 2. That the County Commissioners of Duval County, Texas, shall devote their entire time and attention to the faithful discharge of the regular and ex officio duties and responsibilities of their office during their terms of office under the supervision and direction of the Commissioners' Court, and they shall faithfully execute and cause to be faithfully executed all the orders of said Court.

Sec. 3. That each Commissioner of said County shall receive as entire compensation for his services under the terms of this Act nine hundred dollars and no more for each year during his term of office, to be paid in monthly installments out of the general fund of said County, and the Commissioners' Court of said County, at its first regular meeting after the passage of this Act, shall

pass and enter upon its minutes all necessary orders directing the payment of such salary to each of said Commissioners in monthly installments.

Sec. 4. That all laws, general or special, in conflict with the provision of this Act be and the same are here now repealed.

Sec. 5. The fact that Duval County, Texas, has constructed many miles of good roads, and that it is essential that such roads should be constantly inspected and maintained, and it is necessary for the affairs of said County that said Commissioners should devote their entire time and attention to the public roads of said County, and all other affairs of said County coming under their jurisdiction, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional rule requiring the reading of bills on three several days in each house, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

## ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, January 23, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent—Excused.

Bailey.	Robbins.
Page.	Suiter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Westbrook.

A brief statement of petitions and memorials for the day will be found in the Appendix.

See Appendix for standing committee reports.

### Bills and Resolutions.

By Senator Dayton:

S. B. No. 193, A bill to be entitled "An Act for the nomination of candidates in primary elections in this State at one election, providing for "first" and "second" "choice" at same primary election; providing form of ballot to be used at primary elections; providing how candidates may have their names placed on the ballot; providing how first and second choice votes shall be counted, etc.; providing who shall be declared nominated at the primary election and how their nominations shall be certified, etc.; providing for nominations in certain cases of a tie; providing for certain duties of committees, canvassing boards and others in connection with this Act; providing for punishment for violation of certain provisions of this Act, etc.; providing and prohibiting certain things as set out in this Act, etc.; providing for construction of certain words and phrases herein; providing that if any section or provision herein is declared unconstitutional or invalid it shall not affect the remaining sections and provisions of this Act; providing what political parties shall hold primary elections, etc.; providing certain forms for returns or ballots cast at primary elections in this State; conferring police power on certain election officers, and providing for repeal of laws in conflict herewith, etc."

Read first time and referred to Committee on Privileges and Elections:

By Senator Decherd:

S. B. No. 194, A bill to be entitled "An Act regulating the sale of and defining agricultural planting seeds; providing a standard of purity for

such seeds; requiring their proper labeling; defining noxious and common weed seeds unless so labeled; providing for the collection of samples and their examination; designating an officer for the enforcement of the law; providing for the expense and enforcement of the law, and fixing penalties for its violation."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Hall:

S. B. No. 195, A bill to be entitled "An Act to amend Title 25, Chapter 2, Revised Civil Statutes of 1911, authorizing the formation and organization of private corporations for the purpose of building and operating dry docks and marine railways, by adding thereto Article 75."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dayton:

S. B. No. 196, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing for the management and control of such prison system; providing for the control, management and treatment of all prisoners sentenced to the penitentiary, etc."

Read first time and referred to Committee on State Penitentiaries.

By Senator Lattimore:

S. B. No. 197, A bill to be entitled "An Act to create a Board of Public Utility for the State of Texas; defining its powers and duties, and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Harley:

S. C. R. No. 6, "A Concurrent Resolution providing for the withdrawal of the Texas National Guard from guard duty upon the Texas border."

Read first time and referred to Committee on Military Affairs.

By Senators Hall and Johnston:

S. J. R. No. 11, "A Joint Resolution proposing and submitting to the vote of the people of Texas an amendment to Section 5, Article 4, of the Constitution of Texas, providing for the payment of the salary of the Governor of the State."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Hudspeth:

S. B. No. 198, A bill to be entitled "An Act making appropriations to cover authorized deficiencies for fiscal year ending August 31, 1915, and to cover authorized deficiencies for the fiscal year ending August 31, 1916, being amount of registered deficiency warrants as shown by the records of the State Comptroller, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Hudspeth:

S. B. No. 199, A bill to be entitled "An Act to regulate plumbing, plumbing ventilation and house drainage; and to that end creating the office of State Inspector of Plumbing with power to appoint deputy inspectors of plumbing; defining their powers and duties, under the authority of the State Board of Health, fixing their compensation, and giving inspectors of plumbing the powers of peace officers, establishing local boards of plumbing examiners; fixing the fees for examinations of applicants and providing for the issuance and revocation of licenses, their renewal and for the registration of apprentices; the bonding of master and employing plumbers, requiring municipalities to pass ordinances covering plumbing installation; making an appropriation and providing a special fund out of which the State shall be reimbursed; and providing penalties for the violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Public Health.

#### Simple Resolution No. 36.

Whereas, Senate Rule No. 5 places all committee clerks and employes of the Senate under the direction and control of the Lieutenant Governor with authority in the Lieutenant Governor to assign said clerks and employes to their duties; and

Whereas, It sometimes happens that one or more Senators are absent and the stenographers, who ordinarily act as clerks for such absent Senators, are without specific duties requiring all of their time; and

Whereas, At other times the employes of the Senate themselves may be ill or absent, and therefore, unable to perform their accustomed duties:

Now, therefore, in order that each Senator may at all times have available a stenographer and a clerk for the committee on which he is chairman,

Be it resolved, That every stenographer of the Senate be instructed, when the Senator ordinarily served by her is absent, to report to the Lieutenant Governor for assignment for such other duties as in the judgment of the Lieutenant Governor should be performed by her. And all other stenographers of the Senate are also instructed to report to the Lieutenant Governor when not actually on duty for assignment to duty by the Lieutenant Governor.

DEAN.

The resolution was read and adopted.

#### Simple Resolution No. 37.

Whereas, It is necessary that the State Library be kept open during the evenings and at night for the use and benefit of Senators and the officers of the Senate;

Therefore, be it resolved, That Captain Thomas J. Owens, a Confederate soldier, be employed by the Senate to watch the State Library and keep same open every night, Sundays not excepted, until 10:30 (ten-thirty), and that he be paid the sum of \$5 per day out of the contingent expense fund of the Senate.

Dayton, McNealus, Hall, Floyd, Hudspeth, Harley, Clark, Johnston of Harris, Bell, McCollum, Parr, Gibson, Caldwell, Henderson, Lattimore, Woodward.

The resolution was read and adopted.

#### Simple Resolution No. 38.

Whereas, The various committees of the Senate are composed of the same members, and there appears to be much confusion and conflict in the meetings of said committees; now, therefore, be it

Resolved, That a committee of three members be appointed by the President of the Senate whose duty it shall be to arrange a program of meetings for the various committees, which shall be observed as far as possible by the committees, and regular meetings of such committees be

posted on the Senate blackboard, this not to prevent any special meeting of committee at the call of the chairman.

LATTIMORE.  
JOHNSTON of Harris.

The resolution was read and adopted.

Morning call concluded.

#### Senate Bill No. 6.

The Chair laid before the Senate, in regular order, on third reading,

S. B. No. 6, A bill to be entitled "An Act to amend Article 4610 of Chapter 1, Title 68, Revised Civil Statutes of 1911, providing that all persons desirous of marrying in this State shall procure a license authorizing its celebration, and declaring all marriages contracted, entered into or celebrated in any other manner null and void."

Action recurred on the final passage of the bill, and the same failed to pass by the following vote:

Yeas—12.

Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Clark.	Lattimore.
Dean.	Smith.
Decherd.	Strickland.
Hopkins.	Westbrook.

Nays—14.

Alderdice.	Harley.
Bee.	Hudspeth.
Caldwell.	Johnston of Harris
Dayton.	McCollum.
Floyd.	McNealus.
Gibson.	Parr.
Hall.	Woodward.

Present—Not Voting.

Henderson.

Absent—Excused.

Bailey.	Robbins.
Page.	Suiter.

Senator Hudspeth moved to reconsider the vote by which Senate Bill No. 6 failed to pass, and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Henderson in the chair.)

#### Chicken Salad Case.

By unanimous consent and on request of Senator Johnston of Harris, a communication was received from ex-Governor O. B. Colquitt and ordered printed in the Journal. (See Appendix.)

#### Simple Resolution No. 39.

(By unanimous consent.)

Whereas, Hon. C. M. Chambers, a distinguished ex-member of this Senate, is in the gallery of the Senate; therefore be it

Resolved, That he be invited to address the Senate, and the courtesies of the Senate be accorded to him.

FLOYD.  
BEE.  
HUDSPETH.

The resolution was read and adopted.

Hon. C. M. Chambers addressed the Senate briefly.

#### Senate Bill No. 12.

The Chair laid before the Senate, on its third reading,

S. B. No. 12, A bill to be entitled "An Act to amend Article 1905, Chapter 8, Title 37, of the Revised Statutes of the State of Texas of 1911, and to fix the time of filing an answer in all cases where the defendant is cited by publication."

Action recurred on the final passage of the bill, and the same was read third time and passed.

#### House Bill No. 47.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 47, A bill to be entitled "An Act making an emergency appropriation for the support and maintenance of the State Quarantine Station at Brownsville, Texas, and other points within the State for the remainder of the fiscal year ending August 31, 1917, and declaring an emergency."

On motion of Senator Caldwell,



the Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 47 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.

Present—Not Voting.

Henderson.

Absent.

Hudspeth. Woodward.

Absent—Excused.

Bailey.	Robbins.
Page.	Suiter.

The bill was laid before the Senate, read third time and passed finally by the following vote:

Yeas—24.

Alderdice.	Harley.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	King.
Dayton.	Lattimore.
Dean.	McNealus.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Woodward.

Nays—1.

Westbrook.

Present—Not Voting.

Henderson.

Absent.

McCollum.

Absent—Excused.

Bailey.	Robbins.
Page.	Suiter.

Senator Caldwell moved to reconsider the vote by which House Bill No. 47 was passed, and table the motion to reconsider.

The motion to table prevailed.

### Senate Bill No. 61.

The Chair laid before the Senate, on its second reading,

S. B. No. 61, A bill to be entitled "An Act to amend Article 3420, Chapter 18, Title 52, of the Revised Statutes of the State of Texas of 1911, providing that no property encumbered by certain liens shall be set aside to the widow or children as exempt property, or appropriated to make up the allowances in lieu of exempt property, or for a year's support, until the debts secured by such liens are first discharged, and declaring an emergency."

Senator Lattimore offered the following amendment to the committee report, which was read:

"Amend committee report by striking out the amendment offered by the committee."

Pending discussion

Senator Hopkins offered the following substitute for the pending amendment to the committee report:

Amendment to S. B. No. 61: By striking out in line 21 printed bill the words "Valid at date of execution" and insert in lieu thereof the words "existing at date of acquisition of property."

Senator Hudspeth raised the point of order that the committee report containing amendments can not be amended till it has first been either adopted or rejected by the Senate.

The point of order was overruled. Amendment and substitute pending.

### Simple Resolution No. 40.

(By unanimous consent.)

I move that when we adjourn today that we do so in honor of those

Confederate chieftains, Gen. Robert E. Lee, who was born January 19, 1807, at Stafford, Va., and who died at Lexington, Va., October 12, 1870; and Gen. T. J. (Stonewall) Jackson, who was born at Clarksburg, Va., January 21, 1824, and died at the battle of Chancellorsville May 10, 1863. Although the anniversary of the birthdays of these heroes has passed, still there is not a day among the 365 in any year that we would not stop long enough, and with a loyalty commensurate with our admiration, honor the names and revere the memories of these gallant sons and brave heroes of the South.

SMITH.

The resolution was read and adopted.

#### Adjournment.

At 12:20 o'clock p. m., on motion of Senator Clark, the Senate adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX A.

##### Petitions and Memorials.

A petition was offered by Senator Lattimore containing signatures of a number of citizens of Fort Worth who are opposed to House Bill No. 24, prohibiting the use of automatic and repeating guns and rifles.

Senator Floyd sent up a numerous signed petition from Sulphur Springs requesting that a bill be introduced establishing a State Normal College in that section of the State.

##### Engrossing Committee Reports.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Engrossed Bills, has had Senate Bill No. 6 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on

Engrossed Bills, has had Senate Bill No. 12 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Engrossed Bills, has had Senate Bill No. 9 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Engrossed Bills, has had Senate Bill No. 17 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

##### Committee Reports.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Finance, in whom was referred

H. B. No. 47, A bill to be entitled "An Act making an emergency appropriation for the support and maintenance of the State quarantine station at Brownsville, Texas, and other points within the State, for the remainder of the fiscal year ending August 31, 1917, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

Committee Room,  
Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 148, A bill to be entitled "An Act to make an emergency appropriation to pay additional teachers during the remainder of the regular session of the North Texas State Normal College, and to supply

an omission in the appropriation for the summer session of 1917,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

S. B. No. 63, A bill to be entitled "An Act prohibiting the employment of children under 15 years of age to labor in certain occupations; prohibiting the employment of children under 17 years of age to labor in certain occupations; prohibiting the sending of children under 17 years of age to certain places; limiting the hours of labor for children under 17 years of age; providing for permits to be issued by the county judge for children between the ages of 12 and 15 years to labor in certain occupations and under certain conditions; requiring employers employing children between the ages of 12 and 15 years to secure and post permits where child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics or his deputies or inspectors free access to all places where children or minors are employed; providing penalties for violations of the Act, and repealing all laws and parts of laws in conflict with the Act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 174, A bill to be entitled "An Act to validate, ratify and confirm the title to the south league of a two-league grant to Jose Antonio Sepulveda in Trinity county; abandoning all claims of the State of

Texas to said land, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Parr, Johnson of Hall, Dayton, Decherd, Hall, King, Buchanan of Scurry, Buchanan of Bell.

Committee Report.

Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Regular Session of the Thirty-second Legislature, said Chapter 83, being 'An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature, relating to exemptions as affecting employes and ex-employes of common carriers, express, railway, telegraph, news and other companies, persons and corporations performing service for or in connection with the operation of the railways, the State Railroad Commissioners; peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs, United States marshals and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commissioner and his two chief deputies; State and county health officers; government representatives accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for the right of contract between railway companies and editors, proprietors, or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances; constables; members of the State militia in uniform when called into service,' so as to include among the exemptions the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work, and all city fire marshals while

traveling to and from their State and district conventions."

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

JOHNSON of Hall, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to amend Chapter 8, Acts of the Regular Session of the Twenty-eighth Legislature, the same being entitled 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of fifteen years, and to provide a penalty for their misapplication,' by extending the provisions of said Act for a period of ten years from September 1, 1918."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

Johnston of Harris, McCollum, Bee, King, McNealus, Lattimore, Hall.

(Floor Report.)

Senate Chamber,

Austin, Texas, January 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 116, A bill to be entitled "An Act providing for the creation of the office of assistant district attorney for the Sixth Judicial District of Texas; defining the duties and qualifications of said office; fixing the bond and salary, and declaring an emergency."

Have had the same under consideration and begs leave to report same back to the Senate with the recommendation that it do pass.

Buchanan of Scurry, Parr, Hall, Dean, McCollum.

## APPENDIX B.

Dallas, Texas, January 22, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives, Austin, Texas.

My Dear Mr. Speaker: I have been away from home most of the time since the Legislature convened and have not kept up with its proceedings. But upon returning home, on two occasions, Mrs. Colquitt advised me of the effort of newspaper reporters to get a statement from me concerning the refusal of the Supreme Court to grant the writ of error in what is commonly referred to as the "chicken salad case," wherein the Comptroller was enjoined from paying certain bills contracted for supplies at the Governor's mansion during the last year of my service as Governor. The district court of Travis county held that the necessities for certain public entertainments and other incidentals, the cost of which had been covered by a deficiency appropriation of the Legislature, amounted to an unconstitutional appropriation of public money. The suit affected me in no way except for political purposes.

Refusal of the writ of error by the Supreme Court leaves something over three hundred dollars of bills thus contracted, which the Comptroller is enjoined from paying out of the deficiency appropriation made by the previous Legislature. The deficiency was applied for in due form and according to law and the Legislature set aside the money to pay the amounts, but the courts have now held that the Legislature acted without authority and in violation of the Constitution, in making the appropriation.

All moneys spent out of the appropriation of the two thousand dollars per annum under the heading of "Mansion and Grounds" for "fuel, lights, water, ice, groceries and incidentals" were fully authorized by law. The Legislature, without any request from me increased this appropriation from five hundred to two thousand dollars per annum, and changed the wording so as to provide for the payment of public entertainment. In discussing the matter, the three State Senators from the Senate Finance Committee took the po-



sition that there was just as much reason why other items of necessity, and especially the cost of public entertainment, should be paid for by the State, as ice, fuel and water and light bills. So, upon their recommendation, the appropriation was increased \$1500 per annum for that purpose during the last two years of my service as chief executive.

By reference to other appropriation bills for the mansion for previous years and previous administrations, you will find that the Legislature had been uniformly appropriating \$1,000 per annum, sometimes more and sometimes less, for furniture and repairs. But the appropriation bill for the fiscal years commencing September 1, 1913, and 1914, carried \$2,000 for each year for ice, fuel, lights, groceries and incidentals. Nothing was appropriated for furniture and repairs, and hence such furniture as was necessary, and all repairs to the Mansion for those two years, had to be paid out of the two thousand dollars above referred to. If you will refer to the bills on file in the Comptroller's office I think you will find bills for furniture, plumbing, electric fixtures and repairs generally were all paid out of this appropriation, fully one thousand dollars of the second year's appropriation being used for these purposes, and for these reasons the appropriation was exhausted and a deficiency application became necessary.

The chicken salad and other items could have been avoided, of course, but it has always been customary for the Governor to give entertainments to the public on January first and to the Legislature. The salad and the punch, therefore, was consumed by the public and by members of the Legislature in whose honor some of the receptions were given. They were in no case purchased for the Governor's family, nor was it necessary to buy them for their use. But until the Legislature especially authorized the use of funds for that purpose such expenses were paid by the Governor, out of his private funds. I mention this to draw attention to the fact that the appropriation for the fiscal years named left off a thousand dollars per annum for furniture and repairs and therefore the actual increase in the amount

appropriated was small—about \$350 per annum.

But now to the point. This whole matter had its origin in political and personal animus, but I am gratified that it has been finally adjudicated. I see that a resolution has been offered in the House to instruct the Attorney General to bring suit to recover all sums of moneys paid out for the Mansion and the Governor, falling within the decision of the court as being unauthorized by the Constitution. Of course, as already stated, sums expended out of appropriations already duly made, have been expended according to the law, though the law is unconstitutional.

Personally, and officially, I have always tried to strictly conform to the law in expending public funds coming into my hands, and during my long service to the public, as State Senator, Railroad Commissioner and Governor, I never at any time tried to profit by the use of public funds or misapply them in any way. When I was a member of the State Senate, where I served for four years, I vigorously opposed the use of public money to pay for newspapers, pocket knives and other items not absolutely necessary for use in the discharge of my duty as a Senator and member of the Legislature. I think you will find that I refused to avail myself of such funds even when at my disposal. I honestly believe that no public funds, for any purpose, should be used unlawfully, and since the resolution seeks to recover money spent at the Mansion which may come within the court's decision, may I be permitted, as a private citizen, to express the hope that the resolution may be amended so as to enlarge its scope and provide for inquiring into all appropriations and expenditures of public money by all departments, legislative, executive and judicial, not strictly authorized by the Constitution? If this is done, I shall be glad, upon presentation of a bill to me by the Comptroller, to pay every cent expended out of the legislative appropriation for the Governor's Mansion, not authorized by the Constitution as held in the court decision in the chicken salad case.

But if similar expenditures are to be allowed by the present Legislature, and condoned in other in-

stances, I can see no good reason why the small sums now due and directly affected by the court's decision, should be repudiated.

They shall not go unpaid, however, for I will see that they are settled if it takes the coat off my back to do it. They are debts of honor and ought to be paid, and shall be paid. The matter has served partly its purpose in a political way. Now let's have a financial house-cleaning of all the departments of the State Government—don't confine it to the Governor's Mansion, but let it apply to the Governor's office, to the Attorney General, the Comptroller, the Land Commissioner, the Secretary of State, Public Instruction, the Fish and Game Department, Banking and Insurance, Adjutant General, the Legislature and the courts. I move you, sir, that the resolution provide for a thorough renovation and house-cleaning in order that the actual needs of the Government may be met and all unnecessary and unconstitutional appropriations may be eliminated from future appropriation bills, and thus reduce the burden of taxation. If this is not done now I shall insist in the future that it shall be done—and thoroughly done, too.

I hope I am not asking too much to request you to put this statement in the House Journal in justice to myself, and thus to make a public record of it.

Yours truly,  
O. B. COLQUITT.

Senator Johnston of Harris asked unanimous consent to have the foregoing printed in the Journal, and there being no objection, it was so ordered.

#### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
January 24, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Absent—Excused.

Bailey. Robbins.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gibson.

See Appendix for brief statement of petitions and memorials.

See Appendix for standing committee reports.

#### Poem.

On motion of Senator Gibson the poem of Mrs. Frances McMinds, "To the Thirty-fifth Legislature," was ordered printed in the Journal and appears herein as Appendix B.

#### Bills and Resolutions.

##### Simple Resolution No. 41.

Whereas, The address delivered yesterday by the Senator from Harris, Hon. R. M. Johnston, on the life and services of General Robert E. Lee and General T. J. (Stonewall) Jackson, is not only a model of eloquence and pathos, but the heart expression of one who wore the gray coat of a Confederate soldier and is worthy of publication; therefore be it

Resolved, That the said address be printed in the Senate Journal.

BEE,  
HALL,  
SMITH.

The resolution was read and adopted.